

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

FLIGHTSAFETY SERVICES CORPORATION,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 20-95C
(Judge Hertling)

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR
ISSUANCE OF NOTICE UNDER RULE 14**

Plaintiff, FlightSafety Services Corporation (“FlightSafety”), responds to the motion filed by Defendant, the United States, for issuance of notice to the Boeing Company (“Boeing”), pursuant to Rule 14(b) of the Rules of the United States Court of Federal Claims. In its motion, the United States makes two basic assertions for the notice being issued to Boeing. Each assertion is addressed in turn below.

First, the United States alleges that notice to Boeing is appropriate because FlightSafety’s complaint may result in the Court concluding that Boeing breached its contract with the United States. FlightSafety disagrees with the United States’ characterization of FlightSafety’s complaint. FlightSafety is not seeking relief dependent on the Court making a determination that Boeing breached its contract. Second, the United States asserts that, should FlightSafety prevail in this case, the United States may seek recovery from Boeing. FlightSafety could not anticipate and does not take a position on the United States’ intentions with respect to Boeing should FlightSafety prevail in this case.

In addition to the United States’ two basic assertions, the United States includes extraneous discussion in its motion that characterizes FlightSafety’s complaint and the

underlying contractual terms, and asserts that FlightSafety's claim is without merit. FlightSafety disagrees with the United States' characterization and position. Based on the facts, the Court will conclude that the United States is liable to FlightSafety.

Because Rule 14 permits notice when a party may have an apparent interest in a case, and based on the United States' statement that it may seek recovery from Boeing should FlightSafety prevail in this case, FlightSafety does not oppose the United States' motion for notice to Boeing.

Respectfully submitted this 4th day of June, 2020.

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